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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,164

07/13/2006

Kwang-Sik Kim

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52706

7590

12/21/2010

IPLA P.A.

3550 WILSHIRE BLVD.

17TH FLOOR

LOS ANGELES, CA 90010

EXAMINER

GRABOWSKI, KYLE ROBERT

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

12/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,164	Applicant(s) KIM ET AL.	
	Examiner Kyle Grabowski	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a second non-final action in response to the arguments filed on 10/13/10. Although the examiner respectfully disagrees that the amendments differentiate the present application from the cited prior art, upon further consideration, new art is applied which is believed to better anticipate the claimed invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 7, are rejected under 35 U.S.C. 102(b) as being anticipated by Ihara (JP S60-9675).

4. In respect to claim 1, Ihara disclose a binder sheet made of transparent material comprising: a binding portion (having holes) on a first side of the binder sheet and a paper storing portion (remaining sheet) on a second side of the binder sheet; an upper horizontal band 2B attached to an upper portion of the paper storing portion; and a lower horizontal band 2C attached to a lower portion of the paper storing portion. Each band 2B and 2C forms a pocket (Abstract) thus, each is inferred to have vertical attachment lines as well as the lower horizontal band 2C having a lower attachment line

e.g. via a fold (Fig. 1). Each of the horizontal bands 2B and 2C is formed to keep a paper from loosing off the binder sheet, each holding an upper portion and lower portion of the sheet, respectively (Fig. 4). The horizontal bands 2B and 2C have a predetermined width such that the binder sheet exposes substantially large portions of the paper other than portions covered by the upper and lower horizontal bands 2B and 2C. This structure allows a user to write on the paper without taking it out of the binder sheet and also minimizing reflecting light, naturally through a lack of transparent material in the middle section. The recitation of where "an interval between the upper horizontal band and lower horizontal band is determined by the side of paper to be stored" is inherently disclosed, as they are clearly fashioned and adopted for the paper size (Fig. 4). Also, Ihara teaches that the lower horizontal band 2C may be larger than the height of the upper horizontal band 2B (Fig. 5).

5. In respect to claim 7, Ihara discloses the claimed subject matter for the reasons stated above, "lower horizontal edge band" and "upper horizontal edge band" synonymous with "lower horizontal band" and "upper horizontal band". Also "upper edge of the binder sheet" and "lower edge of the binder sheet" is coextensive with "upper portion of the paper storing portion" and "lower portion of the paper storing portion".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara (JP S60-9675) in view of Dick (US 1,495,953).

9. In respect to claims 1 and 7, Ihara is believed to disclose all of the claimed subject matter, however, does not explicitly disclose upper and lower attachment lines (inferred as being present based on the recitation of a pocket) however Dick teaches a similar binder sheet wherein a similar pocket 2 is attached via attachment lines 5 (Fig. 1) and it would have been obvious to one of ordinary skill in the art to provide the pockets taught in Ihara with physical vertical attachment lines (horizontal, left, and right) in view of Dick to disallow the interior sheets in the pocket to slip out. The claim would have been obvious because a particular known technique was recognized as part of the

ordinary capabilities of one skilled in the art. Sealing a pocket is well known in the art to allow the pocket to perform its sole function, retaining material therein.

10. In respect to claim 8, Ihara as modified by Dick do not disclose whether the bands are colored, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to select a particular material imparting color (any material without complete transparency) since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

11. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara (JP S60-9675) in view of Dick (US 1,495,953) as applied to claims 1 and 7 above, and further in view of Hires (US 2,254,893). Ihara as modified by Dick substantially disclose the claimed subject matter for the reasons stated above but do not disclose a middle horizontal band provided between the upper horizontal band and lower horizontal band however Hires teaches end bands 9 (forming pockets) and interior bands 13, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the binder sheet taught in Ihara in view of Dick with a parallel interior band in view of Hires, to provide additional support to articles held between the pockets e.g. articles that don't extend all the way across to each pocket (Fig. 1). One of ordinary skill would apply the interior band horizontally, to parallel the end pockets in Ihara, also running horizontally.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle Grabowski whose telephone number is (571)270-3518. The examiner can normally be reached on Monday-Thursday, 9am - 7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571)272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle Grabowski/
Examiner, Art Unit 3725

/Dana Ross/
Supervisory Patent Examiner, Art
Unit 3725